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UNITED STATES DISTRICT COURT

DISTRICT COURT OF NEVADA

11 KEVIN L. MITCHELL, an individual  
12 Plaintiffs,  
13 v.  
14 KAITLYN MARIE KIRBY, an individual;  
15 and DOES I through X, and ROE  
16 CORPORATIONS I through X, inclusive,  
17 Defendants.

Case No.: 2:19-cv-02089-JAD-BNW

**JOINT DISCOVERY PLAN AND  
PROPOSED SCHEDULING ORDER**

18 Pursuant to R.R.C.P. 26(f) and L.R. 26-1-(e), the parties submit their proposed Discovery  
19 Plan and Scheduling Order.

20 **1. Meeting** Pursuant to Fed. R.Civ.P. Rule 26 (f), a meeting was held on January 3, 2020,  
21 and was attended by Andrew Barton, Esq. by and through Baker Law Offices, attorney for  
22 Plaintiff, and James Harper, Esq., of Harper Salim.

23 **2. Initial Disclosures:** The parties will serve their initial disclosure statements by **January**  
24 **17, 2020**, which is 14 days from the date of the Rule 26(f) conference.

25 **3. Areas of Discovery:** The parties agree that areas of discovery should include, but not be  
26 limited to, all claims and defenses allowed pursuant to Federal Rules of Civil Procedure. No  
27 examination of Plaintiff has been set at this time, but should the need arise, the parties will attempt  
28 to coordinate that exam, and appropriate parameters, in good faith.

1       4.     **Discovery Plan:** The parties propose the following discovery plan:

2       A.     **Discovery Cut-off Date(s):** L.R. 26(e)(1) requires all discovery to be completed  
3     within one hundred eighty (180) days from the date on which the first answering Defendant  
4     answers or appears. The parties have agreed to a discovery cut-off date of June 10, 2020, in  
5     compliance with this rule.

6       B.     **Amending the Pleadings and Adding Parties:** The parties shall have until  
7     **March 12, 2020**, to file any motions to amend the pleadings to add parties. This is 90 days before  
8     the discovery cut-off date. Plaintiff has requested leave to amend to name the owner of the  
9     vehicle as a defendant in this matter. If a stipulation on that issue is not possible, Plaintiff will  
10    likely file a motion in the near future to amend the initial Complaint.

11       C.     **Fed.R.Civ.P. 26(a)(2) Disclosures of Experts:** Disclosure of experts shall  
12    proceed according to Fed.R.Civ.P. 26(a)(2) as follows: The disclosure of experts and their reports  
13    shall occur on or before **Thursday, March 12, 2020**. The disclosure of rebuttal experts and their  
14    reports shall occur on **Monday, April 13, 2020**. These deadlines are 90 and 60 days before the  
15    discovery cut-off date, respectively.

16       D.     **Interim Status Report:** The parties shall file the interim status report required  
17    by L.R. 26-3 by status report shall be due **April 13, 2020**, which is 60 days prior to the discovery  
18    cutoff.

19       E.     **Dispositive Motions:** The parties shall have until **Monday, May 11, 2020** to file  
20    dispositive motions. This is 30 days after the discovery cut-off date.

21       F.     **Pre-Trial Order:** The parties will file a Joint Pre-Trial Order by **Wednesday, June**  
22    **10, 2020**, which is not more than 30 days after the date set for filing dispositive motions in the  
23    case. This deadline will be suspended if dispositive motions are timely filed until 30 days after  
24    the decision of the dispositive motions or until further order of the Court. The disclosure, required  
25    by Fed.R.Civ.P. 26(a)(3) and objections thereto, shall be made in the pre-trial order. The parties  
26    agree that areas of discovery should include, but not be limited to: all claims and defenses allowed  
27    pursuant to the Federal Rules of Civil Procedure. Defendant intends to conduct a Rule 35 Medical  
28    Examination of Plaintiff. The parties agree to attempt to work out reasonable parameters for the

examination so as to avoid the need for a Rule 35 Motion.

G. **Format of Discovery:** Pursuant to the electronic discovery amendments to the FRCP, effective December 1, 2006, the parties addressed the e-discovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties agree to comply with specific limitations on electronically stored information contained in Rule 26(b)(2)(B).

H. **Extension or Modification of the Discovery Plan and Scheduling Order:** An stipulation or motion must be made not later than 21 days before the subject deadline and comply fully with LR-26-4.

Respectfully submitted this 10<sup>th</sup> day of January 2020.

DATED this 10<sup>th</sup> day of January, 2020.

DATED this 10<sup>th</sup> day of January, 2020.

## BAKER LAW OFFICES

## HARPER SELIM

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Attorneys for Defendant

## IT IS SO ORDERED

**DATED: January 13, 2020**

**IT IS ORDERED** that the parties' proposed discovery plan and scheduling order (ECF No. 8) is **DENIED** without prejudice. **IT IS FURTHER ORDERED** that the parties are to refile a proposed joint discovery plan and scheduling order that complies with LR 26-1(4)-(5), (7)-(9) by 1/20/2020.

**BRENDA WEKSLER**  
**UNITED STATES MAGISTRATE JUDGE**